

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JERRY HOOKER,

Plaintiff,

vs.

STEWART MOJAVE DETENTION CENTER,

Defendant.

Case No. 2:08-cv-00086-RLH-PAL

**ORDER AND REPORT OF FINDINGS
AND RECOMMENDATION**

(IFP App - #1)

This proceeding was referred to this court in accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-9. The court has reviewed the matter and makes the following findings.

FINDINGS

Plaintiff, who is in the custody of the City of Las Vegas Detention Center, has submitted an Application to Proceed *in Forma Pauperis* (#1) and a Civil Rights Complaint Pursuant to 42 U.S.C. § 1983. He did not include with his Application (#1) a copy of his inmate account statement, as required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, or have an authorized officer from Prisoner Accounts complete the Financial Certificate. The court will therefore recommend denial of Plaintiff's Application to proceed *in Forma Pauperis* (#1), order him to file a new Application, and direct the Clerk to send him a blank Application.

Based on the foregoing,

IT IS ORDERED that Plaintiff shall file another Application to Proceed *in Forma Pauperis*, accompanied by a Financial Certificate signed by an authorized officer from Prisoner Accounts and a statement of his inmate account. The Clerk of the Court shall send Plaintiff a blank application form for incarcerated litigants. In the alternative, Plaintiff shall make the necessary arrangements to pay the

1 filing fee of three hundred fifty dollars (\$350.00), accompanied by a copy of this Order. Plaintiff shall
2 have **thirty (30) days** from the date on which this Order is entered to comply. Failure to comply will
3 result in the dismissal of this action.

4 **IT IS RECOMMENDED** that Plaintiff's Application to Proceed *in Forma Pauperis* (#1) be
5 DENIED without prejudice.

6 **NOTICE**

7 These findings and recommendations are submitted to the United States District Judge assigned
8 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served
9 with these findings and recommendations, any party may file written objections with the court.
10 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and
11 recommendations of a magistrate judge shall file and serve specific written objections together with
12 points and authorities in support of those objections, within ten (10) days of the date of service of the
13 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's
14 Findings and Recommendations." The parties are advised that failure to file objections within the
15 specified time may waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d
16 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are
17 subject to the page limitations found in LR 7-4. Dated this 5th day of February, 2008.

18 Dated this 6th day of February, 2008.

19
20 
21 PEGGY A. LEEN
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28